

MIED ProSe 1 (Rev 5/16) Complaint for a Civil Case

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

Kaitlyn Dressman, D.O.

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

v.

McLaren Healthcare Corporation
McLaren Macomb Hospital
Michigan State University

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

Case: 2:23-cv-12985

Assigned To : Drain, Gershwin A.

Referral Judge: Patti, Anthony P.

Assign. Date : 11/27/2023

Description: CMP KAITLYN DRESSMAN V
MCLAREN HEALTHCARE CORP ET AL (SS)

Complaint for a Civil Case

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Kaitlyn Dressman</u>
Street Address	<u>36360 Union Lake Road, Apt 301</u>
City and County	<u>Harrison Township, Macomb County</u>
State and Zip Code	<u>Michigan 48045</u>
Telephone Number	<u>801-368-0492</u>
E-mail Address	<u>kbrowergirl@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>McLaren Healthcare Corporation</u>
Job or Title (if known)	<u></u>
Street Address	<u>One McLaren Parkway</u>
City and County	<u>Grand Blanc, Genesee</u>
State and Zip Code	<u>Michigan 48439</u>
Telephone Number	<u>810-342-1100</u>
E-mail Address (if known)	<u></u>

Defendant No. 2

Name	<u>McLaren Macomb Hospital</u>
Job or Title (if known)	<u></u>
Street Address	<u>1000 Harrington Street</u>
City and County	<u>Mount Clemens, Macomb</u>
State and Zip Code	<u>Michigan 48043</u>
Telephone Number	<u>586-493-8000</u>
E-mail Address (if known)	<u></u>

Defendant No. 3

Name	<u>Michigan State University</u>
Job or Title (if known)	<u></u>
Street Address	<u>426 Auditorium Road</u>
City and County	<u>East Lansing, Ingham</u>
State and Zip Code	<u>Michigan 48824</u>
Telephone Number	<u>517-355-1855</u>
E-mail Address (if known)	<u></u>

Defendant No. 4

Name	<u></u>
Job or Title (if known)	<u></u>
Street Address	<u></u>
City and County	<u></u>
State and Zip Code	<u></u>
Telephone Number	<u></u>
E-mail Address (if known)	<u></u>

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (*check all that apply*)

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Title I of the Americans with Disabilities Act

Title VII of the Civil Rights Act of 1964, and Pregnancy Discrimination Act

Sections 102 and 103 of the Civil Rights Act of 1991

Title IX of the Higher Education Act

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) _____,
is a citizen of the State of (name) _____.

b. If the plaintiff is a corporation

The plaintiff, (name) _____,
is incorporated under the laws of the State of (name) _____,
and has its principal place of business in the
State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) _____, is a citizen of the
State of (name) _____. Or is a citizen of (foreign
nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated
under the laws of the State of (name) _____, and
has its principal place of business in the State of (name) _____. Or is incorporated under the laws of
(foreign nation) _____, and has its principal place
of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (*explain*):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

On April 15th, 2021, I was promised a 2-year position in McLaren Macomb hospital's Internal Medicine residency from July 1, 2021-June 30, 2023, by Dr. Christopher Provenzano MD, the Director of the Internal Medicine residency. Completion of those two years would then allow me to take the American Board of Internal Medicine's (ABIM's) board certification exam and practice as an independent physician. My contract stated that defendants would provide graduate medical education that was consistent with the policies of the Accreditation Council for Graduate Medical Education (ACGME). One of these policies is that they must provide resident physicians with access to their monthly rotation evaluations, their quarterly continuity clinic evaluations, and their semi-annual milestone reports. McLaren refused to do this.

Another is that they must take reports of a hostile work environment seriously. They have also refused to do this. When I informed the program that I was pregnant in February and March 2022 they refused to accommodate that pregnancy and subsequent miscarriage. I was then fired without any semblance of due process. Although I should have received my rotation evaluations within 30 days of the end of each rotation, I did not see Dr. Dheeraj Thammineni's evaluation of my May 2021 rotation until January 2023 and I have text messages from Dr. Thomas Bussineau that directly contradict the evaluation that Dr. Provenzano is claiming to have been written by Dr. Bussineau. On May 16th, 2021, I was told to resign by May 20th, 2021, or Dr. Provenzano would be recommending my termination to Dr. Flora, the Designated Institutional Officer (DIO) at the upcoming Graduate Medical Education (GME) meeting in June. McLaren was notified of my EEOC complaint on May 20th, and I was notified that Dr. Robert Flora had signed off on the termination of my employment on July 6th, 2022. McLaren submitted their respondent position statement to the EEOC on October 6th, 2022, but refused to provide me a copy of that complaint until January 2023, 2 weeks after I was notified that I was not eligible for re-hire for the first time. I finally received a notice of right to sue on August 24th, 2023.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages. If the court agrees that McLaren's adverse action constitutes a wrongful termination, the most direct remedy would be immediate reinstatement as a PGY2 resident at McLaren Macomb or another McLaren location. Whether or not this happens, I am requesting the court to order that McLaren repay or remit the following damages, which directly result from my wrongful termination by McLaren. First, damages in the form of lost wages that I would have collected as salary for an attending physician. Because I will still need to complete the remainder of an internal medicine residency in order to obtain American Board of Internal Medicine (ABIM) board certification, the adverse action of McLaren's wrongful termination applies most directly to the length of time I would have held an attending position. Average salaries for a hospitalist in Michigan, the attending position held by many board-certified internal medicine physicians, is generally reported near \$250,000 annually. Therefore, I request damages for lost wages based on this amount, or a similar reasonable salary based on market rates, for the time period spanning the initial notice of termination by McLaren to the time of the court's decision on this case.

(Remaining relief continued on additional page)

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

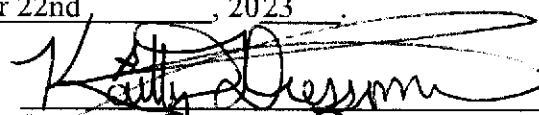
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: November 22nd, 2023

Signature of Plaintiff

Printed Name of Plaintiff


Kathryn Braver Dressman

Additional Information:

(continued material for the Relief section)

Second, damages in the form of continuing impact to my search for employment in the medical field and my path to board certification. Several of McLaren's adverse actions continue to affect my ability to complete my residency elsewhere and find employment as a physician. First, shortly after I accepted a PGY2 position at McLaren, program leadership committed to submit a transfer request to the ABIM for my intern year at Inspira Medical Center to count as internal medicine credit. I later found out from the ABIM that McLaren never did so, making it more difficult for me to resume my internal medicine residency at the PGY2 level. McLaren has also reported my progress as unsatisfactory in their June 2022 ACGME milestone report. This report will remain on my permanent record, even if I were to successfully complete my internal medicine residency at McLaren or elsewhere. McLaren has also stated a commitment to report "professionalism concerns" to other residency programs or third parties that may inquire about my employment at McLaren. This will continue to affect my applications for state licensure, other residency programs, or other positions in the medical field, and has likely affected my ability to secure another residency position in the dozens, if not hundreds, of programs I have applied to since leaving McLaren. Because the allegations of any unprofessional conduct derive from inadequate evidence, a lack of due process, or discriminatory pretext, I am requesting that McLaren remit these damages by 1) applying to the ABIM for internal medicine residency credit for both my intern year at Inspira (as they promised) and the 11 months I spent at McLaren, 2) refrain from reporting to other residency programs, or any other third party, that I was documented as having "professionalism concerns" or "unprofessional conduct", 3) allow McLaren faculty, current or former, to write letters of recommendation on my behalf on McLaren letterhead, and 4) supply me with my complete personnel file, including all faculty evaluations and the date they were submitted to program leadership.

Finally, damages which are secondary to McLaren's decision to wrongfully terminate me, which the court may see fit to order that McLaren must remit. First, damages in the form of \$23,000 in legal fees I have incurred since the initial notice of termination by McLaren, in an attempt to obtain legal restitution for McLaren's actions. Second, damages to my ability to obtain a fellowship position post-residency. Had I not been wrongfully terminated, I likely would have obtained such a position, and the court may see fit to remit this damage by ordering that McLaren reserve a critical care fellowship position at one of their locations upon my completion of residency training. Finally, the termination process and subsequent legal battle has caused me extreme stress. To date, the cost of therapy and psychiatric care since my termination has been \$4733.25, and will likely increase between now and the court's decision on this case. While the effects of this termination on my long-term physical and mental health are immeasurable, the court may find it reasonable to order that McLaren remit the costs of the additional services I have had to seek as a result of this termination and subsequent legal battle.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Kaitlyn Dressman, D.O.

(b) County of Residence of First Listed Plaintiff Macomb
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

None at present

DEFENDANTS

McLaren Healthcare Corporation, McLaren Macomb,
Michigan State University

County of Residence of First Listed Defendant Genesee
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Joseph R. Furton, Jr.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Title I of ADA, Title VII of Civil Rights Act of 1964 & PDA, Sections 102 and 103 of Civil Rights Act of 1991, Title IX of HEA
Brief description of cause:
Employment discrimination and wrongful termination on the basis of sex, pregnancy status, and disability

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 405.13 CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE November 22, 2023 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
